

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #97-AR-2

**The proposed annexation of
territory in Sherman Township
to the City of Sturgis.**

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSION

This matter of the proposed annexation of the following territory situated in Sherman Township to the City of Sturgis is described as follows:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 36, T7S, R10W, ST. JOSEPH COUNTY, MICHIGAN, AND RUNNING THENCE N00°04'15"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 662.49 FEET; THENCE S89°55'15"E 1037.66 FEET TO THE SOUTHWEST CORNER OF "KAY-BEE MANOR NO. 2", AS RECORDED IN LIBER 5 OF PLATS ON PAGE 16; THENCE N00°00'45"E 123.09 FEET TO THE NORTHWEST CORNER OF LOT 6 OF SAID "KAY-BEE MANOR NO. 2"; THENCE S89°55'15"E, ALONG THE SOUTH LINE OF DEVONSHIRE DRIVE, 39.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S89°55'15"E, ALONG SAID DRIVE, 246.00 FEET; THENCE N00°00'45"E, ALONG THE WEST LINE OF "WILSHIRE PARK" (LIBER 3, PAGE 48) AND "WILSHIRE PARK NO. 1" (LIBER 3, PAGE 94) AND ITS EXTENSION, A DISTANCE OF 1185.45 FEET; THENCE N89°55'00"W 150.00 FEET; THENCE S00°00'45"W 100.01 FEET TO THE NORTHWEST CORNER OF LOT 18 OF SAID "KAY-BEE MANOR NO. 2"; THENCE FOLLOWING THE BOUNDARY OF SAID "KAY-BEE MANOR NO. 2" ALONG THE FOLLOWING 8 COURSES; THENCE S00°00'45"W 13.45 FEET; THENCE N89°55'15"W 66.00 FEET; THENCE SOUTHWESTERLY, ALONG A 29.98 FOOT RADIUS CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 47.095 FEET AND A DELTA ANGLE OF 90°00'18" (SAID CURVE BEING SUBTENDED BY A CHORD WHICH BEARS S45°02'45"W 42.40 FEET); THENCE S00°00'45"W 66.00 FEET; THENCE N89°55'15"W 108.00 FEET; THENCE S00°00'45"W 910.00 FEET; THENCE S89°55'15"E 108.00 FEET; THENCE S00°00'45"W 66.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.685 ACRES, MORE OR LESS, AND INCLUDING LOTS 9 THROUGH 26, INCLUSIVE, OF "KAY-BEE MANOR NO. 2", TRACY DRIVE, A PORTION OF DEVONSHIRE DRIVE, AND PART OF THE SOUTHEAST 1/4 OF SAID SECTION 36.

SUMMARY OF PROCEEDINGS

- A. On September 25, 1997, a petition was filed requesting the annexation of certain territory in Sherman Township to the City of Sturgis.
- B. On February 12, 1998, an adjudicative meeting was held to determine legal sufficiency and the petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public act 279 of 1909, as amended. The Commission expanded the area to be considered for annexation to include additional islands of Township territory. The expanded and petitioned area is described as:

ALL TERRITORY IN THE SOUTHEAST 1/4 OF SECTION 36, T7S, R10W, NOT CURRENTLY IN THE CITY OF STURGIS.
- C. On April 30, 1998, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968 as amended.
- D. On August 6, 1998, an adjudicative meeting was held during which the Commission voted to postpone adjudication because the parties requested additional time to negotiate an agreement.
- E. On September 10, 1998, State Boundary Commissioners Walker and VerBurg and County Boundary Commissioner Gordon Meyer held an adjudicative meeting during which they unanimously voted to deny the petition as expanded.

FINDINGS OF FACT

- 1. The City filed the petition because the City Commission is trying to resolve the problem of islands throughout the City.
- 2. On August 26, 1998, the City Commission of the City of Sturgis approved an agreement for a conditional land transfer pursuant to Public Act 425 of 1984.
- 3. On September 2, 1998 the Sherman Township Board approved an agreement for a conditional land transfer pursuant to Public Act 425 of 1984.

4. The Act 425 Agreement was mailed to the Office of the Great Seal, Department of State on September 4, 1998.
5. The Act 425 Agreement includes the subject territory.
6. The parties request that the annexation be denied.

THE COMMISSION FINDS THAT

1. The involved parties have entered into an Act 425 Agreement for a conditional land transfer of the subject territory and have requested denial of the annexation.

IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the record of this docket in accordance with the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On October 22, 1998, Commissioners Rutledge, Walker, and VerBurg held an adjudicative meeting during which the draft Findings of Fact and Conclusion was reviewed, and the Commission voted to adopt the Findings of Fact and Conclusion (as amended).


Kenneth VerBurg, Chairperson
State Boundary Commission

Oct 22, 1998
Date

STATE OF MICHIGAN
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to the City of Sturgis.

FINAL ORDER

IT IS ORDERED THAT this order, denying the annexation of certain territory in Sherman Township to the Home Rule City of Sturgis, shall be effective 30 days after the date the Director of the Department of Consumer & Industry Services signs the order.

IT IS FURTHER ORDERED THAT the attached Findings of Fact and Conclusions by the State Boundary Commission are incorporated in this order and that the State Boundary Commission shall transmit a certified copy of these Findings of Fact and Conclusions to the petitioner and to the clerks of the City of Sturgis, Sherman Township, and St. Joseph County.



Kathleen M. Wilbur, Director

Michigan Department of Consumer & Industry Services

12/11/98
Date